HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JUDRISDICTION
Dated Nainital the 09th May 2006
Bail Application No. 381 of 2006

Order on the bail application of accused.

CRIMINAL SIDE

Raju S/o bishamber
R/o Village- Manda Bela
Police station –Khanpur
District - Haridwar ..... Applicant

Versus

State of Uttaranchal ..... Opposite Party

In Case Crime No. 14 of 2006
U/s 304-B & 201 I.P.C.
Police station – Khanpur
District – Haridwar

Hon'ble J.C.S. Rawat, J.

Heard Sri Parikshit Saini-learned counsel for the applicant, learned AGA for the State and perused the record.

The case dairy and record of the case are available with learned A.G.A. I have gone through the entire record. It ah been alleged in the affidavit that the marriage of the decease was solemnized in the month of March, 1998 and out of the wedlock three children were born. The first child is Master Jonny Kumar who is aged about 6 ears and 10 months. The School leaving certificate is also filed as Annexuere-2 to the bail application. According to the instruction received from the Investigating Officer by the learned A.G.A., they have not made any averment with regard to this fact. It was contended that the marriage was solemnized before 7 years, as such, the first ingredient of 304-B is not attracted in this case. It was further contended that if the said ingredient is not attracted, then the presumption u/s 113-B I.P.C. could not be made applicable in this case.

Considering the facts and circumstance of case in totality, it is a fit case for bail at this stage.

Let the applicant-accused Raju be released on bail on executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J.C.S. Rawat, J.)

Dated 09.05.2006
Shiv